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proaches, equipment, and the operation of trains are separate topics, as are also injuries incurred in boarding and alighting from trains, at grade crossings, overhead crossings and subways, those due to failure to give signals, provide gates or watchmen, etc. The defense of contributory negligence is taken up in relation to each class of persons whose rights are discussed and that of imputed negligence is not overlooked.

The whole field of tort actions against railroads is covered by this work in much detail and a great number of cases digested. The minuteness of the subdivisions causes some repetition which would be needless in a book intended for the use of students, but which adds to the value of the work for the practitioner, since it saves the time otherwise spent in separating the cases involving the same doctrine on different facts from those more directly in point in the specific instance for which a case is sought — a task especially frequent in the field of tort actions. The peculiar nature of the subject is, perhaps, also sufficient reason for the infrequency of an expression of opinion on the part of the author. With the exception of a few instances such as the topic of injuries arising from the acts of co-employees, the author has confined himself to the compiling of the decisions on all phases of the problems of railway accident cases. A clear index, a full table of cases, and complete references to the different reporter systems and reports in the citations, with the careful grouping of the decisions seem sufficient to make the book of great value as a special digest for the practitioner whose practice includes railroad accident cases.

J. S. S.

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A TREATISE ON THE LAW OF LANDLORD AND TENANT. By H. C. Underhill. In two volumes. Chicago: T. H. Flood and Company. 1909. pp. ccxxxiv, 670; 671-1467. 8vo.

The subject of landlord and tenant is in a field of the law already well occupied, notably by Taylor, whose work has now reached its ninth edition — clear evidence of its merit and authority — by McAdams, Jones and others. Some justification for entering this field is, therefore, to be expected. Recognizing this, the author gives as one reason for his undertaking, that greater prominence to the relation of landlord and tenant as a contractual relation should be given and more of the law of contract should be incorporated in a work on the subject. It would seem, however, from an examination of other treatises, that the fact that tenancy is created by a contract, expressed or implied, has been duly developed. Rather is the author's justification to be found in his full collection of the latest American and English decisions and his comprehensive treatment of the modern law created by them.

In the first volume the principal topics are: parties to the lease, execution, different kinds of tenancy, what contracts are leases, rent and covenants. The author devotes the second volume principally to the tenant's possession and use of the premises, the respective rights and obligations as to condition of premises, duties to repair, taxes and insurance, assignment, eviction, surrender, fixtures and lien for rent and advances. His style is uniformly clear and direct. The rule of law is succinctly stated and numerous illustrations of its application are given under different facts and situations. Where the authorities are in conflict the different rules are indicated in the text and the cases discussed in the footnotes. The author does not give a full discussion of principles and this may account for his lack of discrimination in the case of *Lyon v. Reed* (page 1199), which is cited for the proposition that there is a surrender by operation of law "when another estate is created by the reversioner or remainderman with the assent of the tenant or which is incompatible with the existing state or term." While the decision did, in fact, recognize the above statement as law, it held that the principle did not apply where reversions or incorporeal hereditaments compose the subject matter of the surrender and where there has been no open shifting of possession. But in proportion to the whole, this oversight is slight. Generally the

work shows accuracy, clearness and fulness of statement. The treatment of the subject of landlord's lien for rent or advances, the negligence of the landlord in general, and the reciprocal rights and obligations of the parties to leases of separate flats or floors in dwelling houses alone makes the book a valuable one for the practitioner. The well arranged index adds to its usefulness, but its appearance is somewhat marred by some typographical errors.

R. T. H.

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A TREATISE ON THE LAW OF REAL PROPERTY. By Alfred G. Reeves. In two volumes. Boston: Little, Brown and Company. 1909. pp. cxxiv, 788; pp. v. 788-1588. 8vo.

This work cannot be justified on the ground that there is a pressing demand for any more literature on the general subject with which it deals. As an effort, however, to set forth clearly and concisely for the benefit of the student or lay reader a general outline of the fundamental principles that underlie our modern law of real property, the book will fill a real want. The author has shown excellent discretion in limiting his treatment of the subject. Particular stress is laid on the influence of political and social history on the development of our modern law of real property; and the discussion of the growth and decline of the feudal system is especially interesting.

The arrangement of the book is good and the text simple and clear. The classification of vested remainders under four heads tends to clarify the fine but important distinction between vested and contingent remainders, and is an example of similar treatment of other difficult subjects. The citation of cases is very sparing and for this reason the work may not commend itself so highly to the practicing lawyer, but it clearly was not the intention of the author to compile a digest or burden his text with numerous quotations from decided cases, as some of the recent writers of modern text-books are wont to do. There is considerable reference to the law of New York in the footnotes, but the text is not made less valuable for the student on this account. Altogether the book is a work of real merit even though it cannot be said to be an exhaustive treatment of any branch of the subject.

S. ST. F. T.

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HANDBOOK ON THE LAW OF PERSONS AND DOMESTIC RELATIONS. By Walter C. Tiffany. Second Edition by Roger W. Cooley. St. Paul: West Publishing Company, 1909. pp. xiii, 650.

The first edition of this book was admirably planned, and Mr. Cooley has wisely not departed from its arrangement. In fact, the few changes in the subject during the last thirteen years have, generally speaking, reduced his task to an incorporation of recent cases, with the exceptions of material additions to that part of the book dealing with the separate property of married women and the insertion of a section on the extraterritorial effect of divorce. Mr. Cooley's task, as he has outlined it, is, in the main, well done. Although the modern law of married women is largely based on statute, parts still remain untouched by legislation. The common law must constantly be referred to on questions of construction. And also every lawyer should be familiar with its development, because, where the common law of married women has not been altered by legislation, the statutes on the general subject or on other parts of it have had an indirect effect. The action of the legislature often has a "reflex action" on the future mental attitude of the judges. See Smith's Cases on Persons, p. 338. And, moreover, when a statute has removed the reason for a common law rule, does the maxim, "*Cessante ratione cessat ipsa lex*," apply? A large part of Mr. Tiffany's original plan consisted in stating so much of the legislation as had general application, with its interpretation by the courts. All this should be brought down to date. For these reasons the continuation of Mr. Tiffany's work on the law of married women is an absolute necessity. On the subject of infancy, which has not been generally